



State of Louisiana
Department of Health and Hospitals

MEMORANDUM

To: Local Plumbing Officials

From: Dr. Jimmy Guidry, State Health Officer

A handwritten signature in black ink, appearing to be "JG", written over the name "Dr. Jimmy Guidry".

Date: September 13, 2010

Re: LDHH position regarding use of Grease Traps/Interceptors

The LDHH Office of Public Health has recently received several inquiries related to the use of grease traps versus grease interceptors in businesses that are required to install one or the other under applicable provisions of the Sanitary Code (Louisiana Administrative Code Title 51). Grease can have a significant impact on sewerage collection and treatment systems by creating blockages in the pipes causing backups into people's homes or businesses. It disrupts the treatment process causing treatment plant discharges to violate permit limits causing a negative impact the environment. This memorandum seeks to clarify LDHH's position concerning this issue, and to offer guidance concerning the proper determination of which technology is required in typical situations.

Although often viewed and referred to as a stand-alone code, the Louisiana State Plumbing Code ("LSPC") is actually Part XIV of the Sanitary Code. LSPC §1004.4 requires that certain types of facilities/uses (enumerated therein) install either a grease trap or a grease interceptor.¹ The determination of which type (trap or interceptor) will be required is based upon the provisions of LSPC Appendix M, §M103.5:

M103.5 Grease Traps/Grease Interceptors

M103.5.1 Grease traps will be required in all instances of new construction or substantial renovation of buildings or facilities. In addition, a grease trap will be required for existing buildings or facilities when a proper installation can be performed without the need to break up a concrete slab.

M103.5.2 At the discretion of the Plumbing Official, grease interceptors may be allowed when the conditions for a grease trap installation do not exist or cannot easily be met [e.g., (1) new construction or substantial renovation of buildings or facilities is not being performed and a concrete slab would have to be broken at the existing building or facility for the proper installation of a grease trap, (2) an outside, unpaved area surrounding the

¹ Sanitary Code Part XXIII (Retail Food Establishments), §3113 also requires the use grease traps/interceptors, and specifically refers to the LSPC requirements.

building where a grease trap could be installed is available; however, it is determined that the area is too far away from the plumbing fixtures that the grease trap would be servicing, or (3) the installation of a grease trap is unfeasible such as when servicing a kitchen which is located on the upper floors of a multistoried building].

M103.5.1 requires that a grease trap be installed in all instances of new construction or substantial renovation. The term “new construction” is not defined in the LSPC or the Sanitary Code, and it must therefore be given its ordinary meaning, which should be relatively straightforward in most instances. The term “substantial renovation” is defined in Part I of the Sanitary Code as:

Substantial Renovation—

- a.i. alterations or repairs made within a 12 month period, costing in excess of 50 percent of the then physical value of the existing building; or
- ii. alterations or repairs made within a 12 month period, costing in excess of \$15,000; or
- iii. alterations or repairs made involving a change in "occupancy classification" or use of the property.
- b. The physical value of the building in Clause a.i of this Paragraph may be established by an appraisal not more than three years old, provided that said appraisal was performed by a certified appraiser or by the tax assessor in the parish where the building is located.
- c. The cost of alterations or repairs in Clause a.ii or a.iii of this Paragraph may be established by:
 - i. an estimate signed by a licensed architect or a licensed general contractor; or
 - ii. by copies of receipts for the actual costs.

In almost all instances where an existing facility is being “converted” to use as a retail food establishment (from some other use) the conversion will fall within this definition. In many instances, one of the monetary conditions set forth in subsections “a.i.” or “a.ii. or” will be met.² Even when those monetary conditions are not met, however, the project will normally constitute a “substantial renovation” under subsection “a.iii.” because of the change in occupancy classification or use of the property. M103.5.1 also requires the installation of grease traps (rather than interceptors) even in those instances where substantial renovation or new construction does not occur if a trap can be installed without having to break-up a concrete slab.³

Given the requirements of M103.5.1, it is apparent that M103.5 requires a grease trap rather than an interceptor in most situations (requiring one or the other) that plumbing officials will encounter. The primary reason for this is that a grease trap is required to have a minimum 125 gallon liquid holding capacity for seating up to 50 people without a garbage grinder where

² Note that the term “existing building” in subsection “a.i.” should normally be construed to include a given sub-portion or premises occupied by a particular tenant within a larger building. Thus, where a tenant of a “strip” shopping center is converting his leased premises to a retail food establishment, the term “physical value” properly refers only to the value of the leased premises, not to the value of the entire “strip”.

³ This of course applies only if LSPC §1004.4 requires the use of either a trap or interceptor.

cleaning would only be necessary on a monthly basis by a contractor. Grease interceptors have a significantly smaller liquid holding capacity which can require much more frequent cleaning to prevent grease from entering the sewage collection and treatment system. M103.5.2 (quoted in full above) sets forth the only criteria under which an interceptor (rather than a trap) should be allowed: “when the conditions for a grease trap installation do not exist or cannot easily be met”. The examples listed under M103.5.2 make it clear that the word “conditions” in this context refers to physical conditions. Although the listed examples are clearly not meant to be exclusive, plumbing officials should nevertheless use them as guidance in evaluating other situations that purport to meet the “conditions for a grease trap installation do not exist or cannot easily be met” test. The examples illustrate that M103.5.2 sets a high threshold, mandating that interceptors not be approved because of some a slight physical inconvenience involved in installing traps.

M103.5.2 grants discretion to the “Plumbing Official” to determine when its operative criteria allow the use of an interceptor (instead of a trap). The term “Plumbing Official” is defined in LSP Chapter 2 as (*emphasis added*):

PLUMBING OFFICIAL -the State Health Officer *and* any individual official, board, department or agency established and authorized by a state, parish, city or other political subdivision created by law to administer and enforce the provisions of the Plumbing Code as adopted or amended.

Based upon the principle of legal construction governing the difference between the use of the words “and” (conjunctive) and “or” (disjunctive), LDHH has long interpreted the term to mean that the concurrence of both the State Health Officer and the appropriate local official is required whenever the LSPC requires the “approval” of the “Plumbing Official”.⁴ It is therefore the position of LDHH that any installation of a grease interceptor (rather than a grease trap) requires the approval of both the local plumbing official and the State Health Officer. In this context, LDHH interprets the term “State Health Officer” to include the duly authorized technical representatives thereof. Thus, although personal approval (for use of an interceptor) from the actual State Health Officer is not required, approval from an authorized LDHH-employed sanitarian or engineer is required. Grease interceptors installed without the approval of LDHH will be deemed “unapproved”, and LDHH reserves the right to review such installations and to disapprove them if such installations do not, in the opinion of LDHH, meet the criteria set forth in LSPC M103.5.2.

cc: Clayton Williams, Assistance Secretary, OPH
Glenn Cambre, Director, Center for Environmental Health Services, OPH
Denise Jobe, Administrator, Louisiana State Uniform Construction Code Council
Jake Causey, P.E., Acting Chief Engineer, Engineering Services, OPH
Tenney Sibley, R.S., Chief Sanitarian, Sanitarian Services, OPH

⁴ There are a few instances in the LSPC where the context seems to perhaps imply a narrower meaning to the term “Plumbing Official”. M103.5 is not one of those instances.